HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24439 OF 1998

DATED: 27.6.2007

Between:

The Depot Manager, APSRTC, Sattenapalli Depot,
Guntur District

… Petitioner

and

B. Venkatappa Rao and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24439 OF 1998

ORAL ORDER:

The writ petition is filed by the APSRTC and is directed against the Award dated 27.11.1997 of the Labour Court, Guntur, in I.D.No.49 of 1997.

The 1st respondent-workman was appointed as a Conductor on 1.8.1985. On 29.10.1995, while he was conducting the bus on the route Sattenapalli to Tallacheruvu at around late night, a surprise check was conducted on the bus between Atchampet and Tallacheruvu i.e. between Stages 7 and 8. The check revealed that 19 passengers were travelling from Atchampet to Tallacheruvu from Stages 7 and 8 and found 19 unpunched tickets. There were, in all, 38 passengers in the bus at the time of the check. Of these, five (5) passengers were travelling from the starting point i.e. Sattenapalli to Tallacheruvu and 33 passengers were traveling from 7th to 8th stage i.e. Atchampet to Tallacheruvu and of these 33 passengers, only 14 passengers had punched tickets while the remaining 19 were issued

tickets each worth Rs.1.75 ps, but without punching. The 1st respondent-workman did not close the Rs.1.75 ps denomination ticket register while closing the remaining columns.

Disciplinary inquiry was initiated against the workman, alleging that he failed to punch the tickets with a view to collect back the tickets and re-issue them again. After a due process of inquiry, the workman was visited with the penalty of removal from service, assailing which, he lodged a claim under Section 2-A (2) of the Industrial Disputes Act, 1947.

The Labour Court in the award impugned found that the allegation of the tickets not having been punched was established in the domestic inquiry by means of documentary evidence and also the evidence of the travelling ticket inspector. The workman explained that there were some disputes with regard to collection of tickets from child passengers and therefore he could not punch the tickets as he was attending to the dispute. The Labour Court found the allegation that the workman failed to punch the tickets with a view to make unlawful gain by recollecting the tickets and re-issue them at a later point at the journey, was without any factual basis and there was no evidence on record and also that no legitimate inference of such an animus on the part of the workman could be drawn. Though there was a technical flaw by the workman in failing to punch the tickets, it was nevertheless a negligent act and not a conduct warranting the capital punishment of removal, concluded the Labour Court and rightly.

Consequentially, as removal from service was rightly found to be disproportionate and resulting in the unemployment of the workman as well as potential starvation of his family, the Labour Court set aside the order of removal and directed his reinstatement with continuity of service but without back wages.

This court discerns no infirmity in the cogent and rational analysis and conclusion of the Labour Court, warranting interference under Art. 226 of the Constitution of India. There are no merits and the writ petition is dismissed. No costs.

GODA RAGHURAM, J

Date: 27.6.2007

CVM